IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition. No. 2176 /2003

PETITIONER: **Ramnath Satnami, S/o. Sevak Ram Satnami, aged about 60 years, occu. Ex Peon K.G.P. Polytechnic Raigarh Chhattisgarh, R/o Goirdadar Distt. Raigarh (C.G.).**

VERSUS:

RESPONDENTS: **: 1. State of Chhattisgarh Through: Secretary . Education. D.K.S Bhawan Raipur(C.G.).**

: 2. Joint Director, Pension, Treasury and Account. Madhav Complex Sarkanda Bilaspur (C.G.)

: 3. Principal Kirodimal. Polytechnic. Raigarh (C.G.)

: 4 Additional Director Technical Education Center Women Polytechnic Bairan Bazar, Raipur (C.G.).

: 5 Treasury Officer Raigarh(C.G.).

P. R. No. 2030/03
Presented by Shri Keshav Sahu
dated 31.12.03

WRIT PETITION UNDER SECTION 226/227 OF CONSTITUTION OF INDIA

1. PERTICULARS OF THE PETITIONER :

As stated above in the cause title.

RECEIVED COURT
21/7/03
CLERK

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 2176/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05.09.2003

Smt. Hamida Siddiqui, Counsel for the petitioner.

Shri Ranbir Singh, G.A. for the State.

Heard.

The petitioner has preferred this writ petition under Articles 226/227 of the Constitution of India being aggrieved by the orders dated 30.04.2002 and 22.02.2003 by which the recovery of the amount has been ordered which was paid against higher scale of pay granted by the competent authority.

The petitioner's case is that he had retired from the Government Polytechnic College, Raigarh from the post of Chaprasi. He was appointed on 27.06.1965 and thereafter he was attached to the Government Kirodimal Polytechnic, Raigarh vide order dated 22.7.1992. Since the petitioner was not promoted, he worked throughout his career as a peon. The petitioner was given the increased pay scale vide order dated 15.09.2000 as per Government Policy and thereafter by order dated 18.11.2002 the illegal recovery has been ordered from the pension of the petitioner. The respondent No.3 wrote a letter on 18.11.2002 for recovery of the amount which was said to have

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

been erroneously paid to the petitioner from 19.04.1999 to 30.06.2002 to the tune of Rs.6992/-.

The petitioner made a representation on 23.01.2003. Petitioner also served a notice under Section 80 of C.P.C.

Learned counsel for the petitioner submitted that the action of respondent No.3 is arbitrary, mala fide and violating the Article 14 of the Constitution of India as they are not recovering the same from one Gopi Ram Patwa who was granted similar benefit alongwith petitioner. The higher pay scale paid to the petitioner cannot be deducted from his pension and even the pay revision cannot be done without hearing the petitioner, therefore, the recovery order be quashed.

An affidavit has been filed by respondent No.2-Joint Director, Treasury, Accounts and Pension, Bilaspur. In paragraphs 2 and 3 it has been mentioned that a remark was mentioned in the P.P.O. that some amount was to be recovered on account of excess payment to the petitioner. It is the further submission of respondent No.2 that the pension case was revised and after revision the remark relating to recovery was removed and after removal of the remark the petitioner has been

[पीछे देखिये

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

paid the amounts including the pension on 2.9.2003. Therefore, in view of this affidavit filed on behalf of respondent No.2 no recovery has been made and even pension amount has been paid on 2.9.2003, no cause of action survives. Accordingly, this writ petition stands disposed of. Consequently, M.W.P. No.1963/2003 also stands disposed of.

Sd/-
L.C. Bhadoo
Judge

Anjani

[नीचे देखिये